



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7392 of 2020

S.Kishore

... Petitioner/Accused

Vs

The State rep.by
The Sub Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
Crime No.194/2020.

... Respondent/Complainant

For Petitioner : Mr.N.S.Karthikeyan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.194 of 2020 on the file of the respondent police.

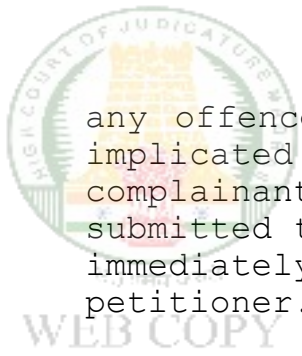
ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under section 304 of IPC in Crime No.194 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was said to have driven the car in a rash and negligent manner and caused an accident to the defacto complainant's daughter-in-law and thereafter she died. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed



any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the defacto complainant is not in the spot at the time of accident. He further submitted that petitioner has taken her and admitted in the hospital immediately. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner was said to have driven the car in a rash and negligent manner and caused an accident to the defacto complainant's daughter-in-law and thereafter she is died.

6.Considering the facts and circumstances of the case and the fact that it is a case of accidental death, whether the death is caused by negligence or it is culpable homicide not amounting to murder will be seen only after investigation, in the above circumstances, as of now no prima facie case is made out for the offence under Section 304 of IPC, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvadanai, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme

<https://hccivildocket.in.gov.in/Kse6/1165> *Govindarajan P. In/ Kse6/1165* Vs. State of Kerala [(2005) AIR SCW 5560]; and;



(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/07/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
THIRUVADANAI.
2. THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7392 of 2020
Date : 15/07/2020

vsg
TK/PN/SAR.2/20.07.2020/3P/5C